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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

| | | |
|-------------------------------|---|------------------------------------|
| THE UNITED STATES OF AMERICA, |) | Case No. CR 11-00146 SBA |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | STIPULATION AND ORDER TO |
| |) | CONTINUE STATUS CONFERENCE |
| |) | TO DECEMBER 17, 2013 AND TO |
| |) | EXCLUDE TIME |
| JUDY RAE JARVIS, |) | |
| |) | |
| Defendant. |) | |
| |) | |

The parties are scheduled to appear before the duty magistrate for a status conference on October 29, 2013. The defendant, Judy Rae Jarvis, has been diagnosed with ovarian cancer and is scheduled for surgery on Monday, October 28, 2013 at John Muir Hospital in Walnut Creek. It is anticipated that Mrs. Jarvis will be hospitalized for at least one week after surgery.

For this reason, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and order as follows:

1. That the matter shall be set for status conference before the duty magistrate for December 17, 2013 at 9:30 a.m.
2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 29, 2013 because of the defendant's surgery. Failure to grant the requested continuance

1 would unreasonably deny the defendant to appear in court because of her hospitalization.

2 3. Given these circumstances, the Court finds that the ends of justice served by excluding the
3 period from October 29, 2013 to December 17, 2013, outweigh the best interest of the public and
4 the
5 defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. §3161(h)(3)(B)(4)
6 and (7)(A).

7 4. Accordingly, and with the consent of the defendant, the Court orders that the period from
8 October 29, 2013 to December 17, 2013, be excluded from the Speedy Trial Act calculations and
9 under 18 U.S.C. §3161(h)(3)(B)(4) and (7)(A).

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11 IT IS SO STIPULATED:

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13 Dated: October 22, 2013

14 /s/
BRIAN C. LEWIS
Assistant United States Attorney

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16
17 Dated: October 22, 2013

18 /s/
DEBORAH G. LEVINE
Attorney for Judy Rae Jarvis

19 IT IS SO ORDERED:

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21 Dated: October 23, 2013

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DONNA M. RYU
United States Magistrate Judge